

1 AN ACT concerning consumer reporting agencies.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the
5 Consumer Credit Reporting Agencies Act.

6 Section 5. Findings. The Legislature finds and declares
7 as follows:

8 (1) An elaborate mechanism has been developed for
9 investigating and evaluating the credit worthiness,
10 credit standing, credit capacity, and general reputation
11 of consumers.

12 (2) Consumer credit reporting agencies have assumed
13 a vital role in assembling and evaluating consumer credit
14 and other information on consumers.

15 (3) There is a need to insure that consumer credit
16 reporting agencies exercise their grave responsibilities
17 with fairness, impartiality, and a respect for the
18 consumer's right to privacy.

19 (4) It is the purpose of this Act to require that
20 consumer credit reporting agencies adopt reasonable
21 procedures for meeting the needs of commerce for consumer
22 credit, personnel, insurance, hiring of a dwelling unit,
23 and other information in a manner that is fair and
24 equitable to the consumer with regard to the
25 confidentiality, accuracy, relevancy, and proper
26 utilization of such information in accordance with the
27 requirements of this Act.

28 (5) The Legislature hereby intends to regulate
29 consumer credit reporting agencies pursuant to this Act
30 in a manner which will best protect the interests of the

people of the State of Illinois.

(6) The extension of credit is a privilege and not a right. Nothing in this Act shall preclude a creditor from denying credit to any applicant providing the denial is based on factors not inconsistent with present law.

(7) Any clauses in contracts which prohibit any action required by this Act are not in the public interest and shall be considered unenforceable. This shall not invalidate the other terms of such a contract.

Section 10. Definitions. The following terms as used in this Act have the meaning expressed in this Section:

(a) "Adverse action" means a denial or revocation of credit, a change in the terms of an existing credit arrangement that is adverse to the interests of the consumer, or a refusal to grant credit in substantially the amount or on substantially the terms requested. "Adverse action" includes all of the following:

(1) Any denial of, increase in any charge for, or reduction in the amount of, insurance for personal, family, or household purposes made in connection with the underwriting of insurance.

(2) Any denial of employment or any other decision made for employment purposes that adversely affects any current or prospective employee.

(3) Any action taken, or determination made, with respect to a consumer (A) for an application for an extension of credit and (B) that is adverse to the interests of the consumer.

"Adverse action" does not include (A) a refusal to extend additional credit to a consumer under an existing credit arrangement if (i) the applicant is delinquent or otherwise in default under that credit arrangement or (ii) the additional credit would exceed a credit limit previously

1 established for the consumer or (B) a refusal or failure to
2 authorize an account transaction at a point of sale.

3 (b) "Consumer" means a natural individual.

4 (c) "Consumer credit report" means any written, oral, or
5 other communication of any information by a consumer credit
6 reporting agency bearing on a consumer's credit worthiness,
7 credit standing, or credit capacity, that is used or is
8 expected to be used, or collected in whole or in part, for
9 the purpose of serving as a factor in establishing the
10 consumer's eligibility for:

11 (1) credit to be used primarily for personal,
12 family, or household purposes;

13 (2) employment purposes; or

14 (3) other purposes authorized in Section 30.

15 The term does not include (1) any report containing
16 information solely as to transactions or experiences between
17 the consumer and the person making the report, (2) any
18 communication of that information or information from a
19 credit application by a consumer that is internal within the
20 organization that is the person making the report or that is
21 made to an entity owned by, or affiliated by corporate
22 control with, that person; provided that the consumer is
23 informed by means of a clear and conspicuous written
24 disclosure that information contained in the credit
25 application may be provided to these persons; however, where
26 a credit application is taken by telephone, disclosure shall
27 initially be given orally at the time the application is
28 taken, and a clear and conspicuous written disclosure shall
29 be made to the consumer in the first written communication to
30 that consumer after the application is taken, (3) any
31 authorization or approval of a specific extension of credit
32 directly or indirectly by the issuer of a credit card or
33 similar device, (4) any report by a person conveying a
34 decision whether to make a specific extension of credit

1 directly or indirectly to a consumer in response to a request
2 by a third party, if the third party advises the consumer of
3 the name and address of the person to whom the request was
4 made and the person makes the disclosures to the consumer
5 required under Section 90, (5) any report containing
6 information solely on a consumer's character, general
7 reputation, personal characteristics, or mode of living which
8 is obtained through personal interviews with neighbors,
9 friends, or associates of the consumer reported on, or others
10 with whom he is acquainted or who may have knowledge
11 concerning those items of information, (6) any communication
12 about a consumer in connection with a credit transaction
13 which is not initiated by the consumer, between persons who
14 are affiliated by common ownership or common corporate
15 control, if either of those persons has complied with
16 paragraph (2) of subsection (b) of Section 95 with respect to
17 a prequalifying report from which the information
18 communicated is taken and provided the consumer has consented
19 to the provision and use of the prequalifying report in
20 writing, or (7) any consumer credit report furnished for use
21 in connection with a transaction which consists of an
22 extension of credit to be used solely for a commercial
23 purpose.

24 (d) "Consumer credit reporting agency" means any person
25 who, for monetary fees, dues, or on a cooperative nonprofit
26 basis, regularly engages in whole or in part in the business
27 of assembling or evaluating consumer credit information or
28 other information on consumers for the purpose of furnishing
29 consumer credit reports to third parties, but does not
30 include any governmental agency whose records are maintained
31 primarily for traffic safety, law enforcement, or licensing
32 purposes.

33 (e) "Credit transaction that is not initiated by the
34 consumer" does not include the use of a consumer credit

1 report by an assignee for collection or by a person with
2 which the consumer has an account for purposes of (1)
3 reviewing the account or (2) collecting the account. For
4 purposes of this subsection, "reviewing the account" includes
5 activities related to account maintenance and monitoring,
6 credit line increases, and account upgrades and enhancements.

7 (f) "Employment purposes", when used in connection with
8 a consumer credit report, means a report used for the purpose
9 of evaluating a consumer for employment, promotion,
10 reassignment, or retention as an employee.

11 (g) "File", when used in connection with information on
12 any consumer, means all of the information on that consumer
13 recorded and retained by a consumer credit reporting agency,
14 regardless of how the information is stored.

15 (h) "Firm offer of credit" means any offer of credit to
16 a consumer that will be honored if, based on information in a
17 consumer credit report on the consumer and other information
18 bearing on the creditworthiness of the consumer, the consumer
19 is determined to meet the criteria used to select the
20 consumer for the offer and the consumer is able to provide
21 any real property collateral specified in the offer. For
22 purposes of this subsection, the phrase "other information
23 bearing on the creditworthiness of the consumer" means
24 information that the person making the offer is permitted to
25 consider pursuant to any rule, regulation, or formal written
26 policy statement relating to the federal Fair Credit
27 Reporting Act, as amended (15 U.S.C. Sec. 1681 et seq.),
28 promulgated by the Federal Trade Commission or any federal
29 bank regulatory agency.

30 (i) "Item of information" means any of one or more
31 informative entries in a credit report that causes a creditor
32 to deny credit to an applicant or increase the cost of credit
33 to an applicant or deny an applicant a checking account with
34 a bank or other financial institution.

1 (j) "Person" means any individual, partnership,
2 corporation, trust, estate, cooperative, association,
3 government or governmental subsection or agency, or other
4 entity.

5 (k) "Prequalifying report" means a report containing the
6 limited information permitted under paragraph (2) of
7 subsection (b) of Section 30.

8 (l) "State or local child support enforcement agency"
9 means the Department of Public Aid or a local child support
10 agency acting pursuant to the Illinois Public Aid Code to
11 establish, enforce or modify child support obligations, and
12 any state or local agency or official that succeeds to these
13 responsibilities under a successor statute.

14 Section 15. Checking account information. Any person
15 who, for monetary fees, dues, or on a cooperative nonprofit
16 basis, regularly engages in whole or in part in the practice
17 of assembling, evaluating, or disseminating information on
18 the checking account experiences of consumer customers of
19 banks or other financial institutions is subject to the same
20 laws that govern consumer credit reporting agencies.

21 Section 20. Applicability. The notices and disclosures
22 to consumers provided for in this Act shall be required to be
23 made only to those consumers who have a mailing address in
24 Illinois.

25 Section 25. Disclosure to consumers.

26 (a) A consumer credit reporting agency shall, upon
27 request and proper identification of any consumer, allow the
28 consumer to visually inspect all files maintained regarding
29 that consumer at the time of the request.

30 (b) A consumer credit reporting agency, upon contact by
31 a consumer by telephone, mail, or in person regarding

1 information that may be contained in the agency files
2 regarding that consumer, shall promptly advise the consumer
3 of his or her rights under Sections 80 and 85, and of the
4 obligation of the agency to provide disclosure of the files
5 in person, by mail, or by telephone pursuant to Section 50,
6 including the obligation of the agency to provide a decoded
7 written version of the file or a written copy of the file
8 with an explanation of any code, including any credit score
9 used, and the key factors, as defined in Section 55, if the
10 consumer requests that copy. The disclosure shall be
11 provided in the manner selected by the consumer, chosen from
12 among any reasonable means available to the consumer credit
13 reporting agency.

14 The agency shall determine the applicability of paragraph
15 (1) of subsection (a) of Section 70, and where applicable,
16 the agency shall inform the consumer of the rights under that
17 Section.

18 (c) All information on a consumer in the files of a
19 consumer credit reporting agency at the time of a request for
20 inspection under subsection (a) shall be available for
21 inspection, including the names and addresses of the sources
22 of information.

23 (d) The consumer credit reporting agency shall also
24 disclose the recipients of any consumer credit report on the
25 consumer that the consumer credit reporting agency has
26 furnished:

27 (1) for employment purposes within the 2-year
28 period preceding the request; and

29 (2) for any other purpose within the 12-month
30 period preceding the request.

31 Disclosure of recipients of consumer credit reports for
32 purposes of this subsection shall include the name of the
33 recipient or, if applicable, the fictitious business name
34 under which the recipient does business disclosed in full.

1 If requested by the consumer, the identification shall also
2 include the address of the recipient.

3 (e) The consumer credit reporting agency shall also
4 disclose a record of all inquiries received by the agency in
5 the 12-month period preceding the request that identified the
6 consumer in connection with a credit transaction that is not
7 initiated by the consumer. This record of inquiries shall
8 include the name of each recipient making an inquiry.

9 Section 30. Furnishing of credit reports.

10 (a) A consumer credit reporting agency shall furnish a
11 consumer credit report only under the following
12 circumstances:

13 (1) in response to the order of a court having
14 jurisdiction to issue an order;

15 (2) in accordance with the written instructions of
16 the consumer to whom it relates; or

17 (3) to a person whom it has reason to believe:

18 (A) intends to use the information in
19 connection with a credit transaction, or entering or
20 enforcing an order of a court of competent
21 jurisdiction for support, involving the consumer as
22 to whom the information is to be furnished and
23 involving the extension of credit to, or review or
24 collection of an account of, the consumer;

25 (B) intends to use the information for
26 employment purposes;

27 (C) intends to use the information in
28 connection with the underwriting of insurance
29 involving the consumer, or for insurance claims
30 settlements;

31 (D) intends to use the information in
32 connection with a determination of the consumer's
33 eligibility for a license or other benefit granted

1 by a governmental instrumentality required by law to
2 consider the applicant's financial responsibility or
3 status; or

4 (E) otherwise has a legitimate business need
5 for the information in connection with a business
6 transaction involving the consumer.

7 (b) A consumer credit reporting agency may furnish
8 information for purposes of a credit transaction specified in
9 subparagraph (A) of paragraph (3) of subsection (a), when it
10 is a credit transaction that is not initiated by the
11 consumer, only under the circumstances specified in paragraph
12 (1) or (2), as follows:

13 (1) The consumer authorizes the consumer credit
14 reporting agency to furnish the consumer credit report to
15 the person.

16 (2) The proposed transaction involves a firm offer
17 of credit to the consumer, the consumer credit reporting
18 agency has complied with subsection (d), and the consumer
19 has not elected pursuant to paragraph (1) of subsection
20 (d) to have the consumer's name excluded from lists of
21 names provided by the consumer credit reporting agency
22 for purposes of reporting in connection with the
23 potential issuance of firm offers of credit. A consumer
24 credit reporting agency may provide only the following
25 information pursuant to this paragraph:

26 (A) The name and address of the consumer.

27 (B) Information pertaining to a consumer that
28 is not identified or identifiable with a particular
29 consumer.

30 (c) Except as provided in paragraph (2) of subsection
31 (a) of Section 50, a consumer credit reporting agency shall
32 not furnish to any person a record of inquiries solely
33 resulting from credit transactions that are not initiated by
34 the consumer.

1 (d) (1) A consumer may elect to have his or her name and
2 address excluded from any list provided by a consumer credit
3 reporting agency pursuant to paragraph (2) of subsection (b)
4 by notifying the consumer credit reporting agency, by
5 telephone or in writing, through the notification system
6 maintained by the consumer credit reporting agency pursuant
7 to subsection (e), that the consumer does not consent to any
8 use of consumer credit reports relating to the consumer in
9 connection with any transaction that is not initiated by the
10 consumer.

11 (2) An election of a consumer under paragraph (1)
12 shall be effective with respect to a consumer credit
13 reporting agency, and any affiliate of the consumer
14 credit reporting agency, on the date on which the
15 consumer notifies the consumer credit reporting agency.

16 (3) An election of a consumer under paragraph (1)
17 shall terminate and be of no force or effect following
18 notice from the consumer to the consumer credit reporting
19 agency, through the system established pursuant to
20 subsection (e), that the election is no longer effective.

21 (e) A consumer credit reporting agency that furnishes a
22 prequalifying report pursuant to subsection (b) in connection
23 with a credit transaction not initiated by the consumer shall
24 establish and maintain a notification system, including a
25 toll-free telephone number, that permits any consumer, with
26 appropriate identification and for which the consumer credit
27 reporting agency has a file, to notify the consumer credit
28 reporting agency of the consumer's election to have the
29 consumer's name removed from any list of names and addresses
30 provided by the consumer credit reporting agency, and by any
31 affiliated consumer credit reporting agency, pursuant to
32 paragraph (2) of subsection (b). Compliance with the
33 requirements of this subsection by a consumer credit
34 reporting agency shall constitute compliance with those

1 requirements by any affiliate of that consumer credit
2 reporting agency.

3 (f) A consumer credit reporting agency that compiles and
4 maintains files on consumers on a nationwide basis shall
5 establish and maintain a notification system under paragraph
6 (1) of subsection (e) jointly with its affiliated consumer
7 credit reporting agencies.

8 Section 35. Disclosures of information to government
9 agencies. Notwithstanding the provisions of Section 30, a
10 consumer credit reporting agency may furnish to a
11 governmental agency a consumer's name, address, former
12 address, places of employment, or former places of
13 employment.

14 Section 40. Prohibited information in credit reports.

15 (a) A consumer credit reporting agency may not make any
16 consumer credit report containing any of the following items
17 of information:

18 (1) Bankruptcies that, from the date of
19 adjudication, antedate the report by more than 10 years.

20 (2) Suits and judgments that, from the date of
21 entry or renewal, antedate the report by more than 7
22 years or until the governing statute of limitations has
23 expired, whichever is the longer period.

24 (3) Unlawful detainer actions, unless the lessor
25 was the prevailing party. For purposes of this
26 paragraph, the lessor shall be deemed to be the
27 prevailing party only if (A) final judgment was awarded
28 to the lessor (i) upon entry of the tenant's default,
29 (ii) upon the granting of the lessor's motion for summary
30 judgment, or (iii) following trial, or (B) the action was
31 resolved by a written settlement agreement between the
32 parties that states that the unlawful detainer action may

1 be reported. In any other instance in which the action
2 is resolved by settlement agreement, the lessor shall not
3 be deemed to be the prevailing party for purposes of this
4 paragraph.

5 (4) Paid tax liens that, from the date of payment,
6 antedate the report by more than 7 years.

7 (5) Accounts placed for collection or charged to
8 profit and loss that antedate the report by more than 7
9 years.

10 (6) Records of arrest, indictment, information,
11 misdemeanor complaint, or conviction of a crime that,
12 from the date of disposition, release, or parole,
13 antedate the report by more than 7 years. These items of
14 information shall no longer be reported if at any time it
15 is learned that in the case of a conviction a full pardon
16 has been granted, or in the case of an arrest,
17 indictment, information, or misdemeanor complaint a
18 conviction did not result.

19 (7) Any other adverse information that antedates
20 the report by more than 7 years.

21 (b) The 7-year period specified in paragraphs (5) and
22 (7) of subsection (a) shall commence to run, with respect to
23 any account that is placed for collection (internally or by
24 referral to a third party, whichever is earlier), charged to
25 profit and loss, or subjected to any similar action, upon the
26 expiration of the 180-day period beginning on the date of the
27 commencement of the delinquency that immediately preceded the
28 collection activity, charge to profit and loss, or similar
29 action. Where more than one of these actions is taken with
30 respect to a particular account, the 7-year period specified
31 in paragraphs (5) and (7) shall commence concurrently for all
32 these actions on the date of the first of these actions.

33 (c) A consumer credit reporting agency that furnishes a
34 consumer credit report containing information regarding any

1 case involving a consumer arising under the bankruptcy
2 provisions of Title 11 of the United States Code shall
3 include an identification of the chapter of Title 11 of the
4 United States Code under which the case arose if that can be
5 ascertained from what was provided to the consumer credit
6 reporting agency by the source of the information.

7 (d) A consumer credit report shall not include any
8 adverse information concerning a consumer antedating the
9 report by more than 10 years or that otherwise is prohibited
10 from being included in a consumer credit report.

11 (e) If a consumer credit reporting agency is notified by
12 a furnisher of credit information that an open-end credit
13 account of the consumer has been closed by the consumer, any
14 consumer credit report thereafter issued by the consumer
15 credit reporting agency with respect to that consumer, and
16 that includes information respecting that account, shall
17 indicate the fact that the consumer has closed the account.
18 For purposes of this subsection, "open-end credit account"
19 does not include any demand deposit account, such as a
20 checking account, money market account, or share draft
21 account.

22 (f) Consumer credit reporting agencies shall not include
23 medical information in their files on consumers or furnish
24 medical information for employment, insurance, or credit
25 purposes in a consumer credit report without the consent of
26 the consumer.

27 (g) A consumer credit reporting agency shall include in
28 any consumer credit report information, if any, on the
29 failure of the consumer to pay overdue child or spousal
30 support.

31 Section 45. Agency procedures.

32 (a) A consumer credit reporting agency shall maintain
33 reasonable procedures designed to avoid violations of Section

1 40 and to limit furnishing of consumer credit reports to the
2 purposes listed under Section 30. These procedures shall
3 require that prospective users of the information identify
4 themselves, certify the purposes for which the information is
5 sought and certify that the information will be used for no
6 other purposes. After the effective date of this Act the
7 consumer credit reporting agency shall keep a record of the
8 purposes as stated by the user. A consumer credit reporting
9 agency shall make a reasonable effort to verify the identity
10 of a new prospective user and the uses certified by the
11 prospective user prior to furnishing the user a consumer
12 report. A consumer credit reporting agency may not furnish a
13 consumer credit report to any person unless the consumer
14 credit reporting agency has reasonable grounds for believing
15 that the consumer credit report will be used by the person
16 for the purposes listed in Section 30. A consumer credit
17 reporting agency does not have reasonable grounds for
18 believing that a consumer credit report will be used by the
19 person for the purposes listed in Section 30 unless all of
20 the following requirements are met:

21 (1) If the prospective user is a retail seller and
22 intends to issue credit to a consumer who appears in
23 person on the basis of an application for credit
24 submitted in person, the consumer credit reporting agency
25 shall, with a reasonable degree of certainty, match at
26 least 3 categories of identifying information within the
27 file maintained by the consumer credit reporting agency
28 on the consumer with the information provided to the
29 consumer credit reporting agency by the retail seller.
30 The categories of identifying information may include,
31 but are not limited to, first and last name, month and
32 date of birth, driver's license number, place of
33 employment, current residence address, previous residence
34 address, or social security number. The categories of

1 information shall not include mother's maiden name.

2 (2) If the prospective user is a retail seller and
3 intends to issue credit to a consumer who appears in
4 person on the basis of an application for credit
5 submitted in person, the retail seller certifies, in
6 writing, to the consumer credit reporting agency that it
7 instructs its employees and agents to inspect a photo
8 identification of the consumer at the time the
9 application was submitted in person. This paragraph does
10 not apply to an application for credit submitted by mail.

11 (3) If the prospective user intends to extend
12 credit by mail pursuant to a solicitation by mail, the
13 extension of credit shall be mailed to the same address
14 as on the solicitation unless the prospective user
15 verifies any address change by, among other methods,
16 contacting the person to whom the extension of credit
17 will be mailed.

18 (b) Whenever a consumer credit reporting agency prepares
19 a consumer credit report, it shall follow reasonable
20 procedures to assure maximum possible accuracy of the
21 information concerning the individual about whom the report
22 relates. These reasonable procedures shall include, but not
23 be limited to, permanent retention by the consumer credit
24 reporting agency in the consumer's file, or a separately
25 individualized file, of that portion of the data in the file
26 that is used by the consumer credit reporting agency to
27 identify the individual consumer pursuant to paragraph (1) of
28 subsection (a). This permanently retained data shall be
29 available for use in either a reinvestigation pursuant to
30 subsection (a) of Section 65, an investigation where the
31 consumer has filed a police report pursuant to subsection (k)
32 of Section 65, or a restoration of a file involving the
33 consumer. If the permanently retained identifying
34 information is retained in a consumer's file, it shall be

1 clearly identified in the file in order for an individual who
2 reviews the file to easily distinguish between the
3 permanently stored identifying information and any other
4 identifying information that may be a part of the file. This
5 retention requirement shall not apply to data that is
6 reported in error, that is obsolete, or that is found to be
7 inaccurate through the results of a reinvestigation initiated
8 by a consumer pursuant to subsection (a) of Section 65.

9 (c) A consumer credit reporting agency may not prohibit
10 a user of any consumer credit report furnished by the
11 consumer credit reporting agency from disclosing the contents
12 of the consumer credit report to the consumer who is the
13 subject of the report if adverse action may be taken by the
14 user based in whole or in part on the consumer credit report.
15 The act of disclosure to the consumer by the user of the
16 contents of a consumer credit report shall not be a basis for
17 liability of the consumer credit reporting agency or the user
18 under Section 135.

19 (d) A consumer credit reporting agency shall provide a
20 written notice to any person who regularly and in the
21 ordinary course of business supplies information to the
22 consumer credit reporting agency concerning any consumer or
23 to whom a consumer credit report is provided by the consumer
24 credit reporting agency. The notice shall specify the
25 person's obligations under this Act. Copies of the
26 appropriate Sections of this Act shall satisfy the
27 requirement of this subsection.

28 Section 50. Consumer's right to information.

29 (a) A consumer credit reporting agency shall supply
30 files and information required under Section 25 during normal
31 business hours and on reasonable notice. In addition to the
32 disclosure provided by this Act and any disclosures received
33 by the consumer, the consumer has the right to request and

1 receive all of the following:

2 (1) Either a decoded written version of the file or
3 a written copy of the file, including all information in
4 the file at the time of the request, with an explanation
5 of any code used.

6 (2) A record of all inquiries, by recipient, that
7 result in the provision of information concerning the
8 consumer in connection with a credit transaction that is
9 not initiated by the consumer and that were received by
10 the consumer credit reporting agency in the 6-month
11 period immediately preceding the request for disclosure
12 under this Section.

13 (3) The recipients, including end users specified
14 in Section 115, of any consumer credit report on the
15 consumer which the consumer credit reporting agency has
16 furnished:

17 (A) For employment purposes within the 2-year
18 period preceding the request.

19 (B) For any other purpose within the 6-month
20 period preceding the request.

21 Identification for purposes of this paragraph shall
22 include the name of the recipient or, if applicable, the
23 fictitious business name under which the recipient does
24 business disclosed in full. If requested by the
25 consumer, the identification shall also include the
26 address of the recipient.

27 (b) Files maintained on a consumer shall be disclosed
28 promptly as follows:

29 (1) In person, at the location where the consumer
30 credit reporting agency maintains the trained personnel
31 required by subsection (d), if he or she appears in
32 person and furnishes proper identification.

33 (2) By mail, if the consumer makes a written
34 request with proper identification for a copy of the file

1 or a decoded written version of that file to be sent to
2 the consumer at a specified address. A disclosure
3 pursuant to this paragraph shall be deposited in the
4 United States mail, postage prepaid, within 5 business
5 days after the consumer's written request for the
6 disclosure is received by the consumer credit reporting
7 agency. Consumer credit reporting agencies complying
8 with requests for mailings under this Section shall not
9 be liable for disclosures to third parties caused by
10 mishandling of mail after the mailings leave the consumer
11 credit reporting agencies.

12 (3) A summary of all information contained in files
13 on a consumer and required to be provided by Section 25
14 shall be provided by telephone, if the consumer has made
15 a written request, with proper identification for
16 telephone disclosure.

17 (4) Information in a consumer's file required to be
18 provided in writing under this Section may also be
19 disclosed in another form if authorized by the consumer
20 and if available from the consumer credit reporting
21 agency. For this purpose a consumer may request
22 disclosure in person pursuant to Section 25, by telephone
23 upon disclosure of proper identification by the consumer,
24 by electronic means if available from the consumer credit
25 reporting agency, or by any other reasonable means that
26 is available from the consumer credit reporting agency.

27 (c) "Proper identification," as used in subsection (b)
28 means that information generally deemed sufficient to
29 identify a person. Only if the consumer is unable to
30 reasonably identify himself or herself with the information
31 described above, may a consumer credit reporting agency
32 require additional information concerning the consumer's
33 employment and personal or family history in order to verify
34 his or her identity.

1 (d) The consumer credit reporting agency shall provide
2 trained personnel to explain to the consumer any information
3 furnished him or her pursuant to Section 25.

4 (e) The consumer shall be permitted to be accompanied by
5 one other person of his or her choosing, who shall furnish
6 reasonable identification. A consumer credit reporting
7 agency may require the consumer to furnish a written
8 statement granting permission to the consumer credit
9 reporting agency to discuss the consumer's file in that
10 person's presence.

11 (f) Any written disclosure by a consumer credit
12 reporting agency to any consumer pursuant to this Section
13 shall include a written summary of all rights the consumer
14 has under this Act and in the case of a consumer credit
15 reporting agency that compiles and maintains consumer credit
16 reports on a nationwide basis, a toll-free telephone number
17 that the consumer can use to communicate with the consumer
18 credit reporting agency. The written summary of rights
19 required under this subsection is sufficient if in
20 substantially the following form:

21 "You have a right to obtain a copy of your credit file
22 from a consumer credit reporting agency. You may be charged
23 a reasonable fee not exceeding \$8. There is no fee, however,
24 if you have been turned down for credit, employment, or
25 insurance because of information in your credit report within
26 the preceding 60 days. The consumer credit reporting agency
27 must provide someone to help you interpret the information in
28 your credit file.

29 You have a right to dispute inaccurate information by
30 contacting the consumer credit reporting agency directly.
31 However, neither you nor any credit repair company or credit
32 service organization has the right to have accurate, current,
33 and verifiable information removed from your credit report.
34 Under the Federal Fair Credit Reporting Act, the consumer

1 credit reporting agency must remove accurate, negative
2 information from your report only if it is over 7 years old.
3 Bankruptcy information can be reported for 10 years.

4 If you have notified a credit reporting agency in writing
5 that you dispute the accuracy of information in your file,
6 the consumer credit reporting agency must then, within 30
7 business days, reinvestigate and modify or remove inaccurate
8 information. The consumer credit reporting agency may not
9 charge a fee for this service. Any pertinent information and
10 copies of all documents you have concerning an error should
11 be given to the consumer credit reporting agency.

12 If reinvestigation does not resolve the dispute to your
13 satisfaction, you may send a brief statement to the consumer
14 credit reporting agency to keep in your file, explaining why
15 you think the record is inaccurate. The consumer credit
16 reporting agency must include your statement about disputed
17 information in a report it issues about you.

18 You have a right to receive a record of all inquiries
19 relating to a credit transaction initiated in the 6 months
20 preceding your request. This record shall include the
21 recipients of any consumer credit report.

22 You may request in writing that the information contained
23 in your file not be provided to a third party for marketing
24 purposes.

25 You have a right to bring civil action against anyone,
26 including a consumer credit reporting agency, who improperly
27 obtains access to a file, knowingly or willfully misuses file
28 data, or fails to correct inaccurate file data."

29 Section 55. Disclosure of credit score.

30 (a) Upon the consumer's request for a credit score, a
31 consumer credit reporting agency shall supply to a consumer a
32 notice that includes the information described in paragraphs
33 (1) to (5), inclusive, and a statement indicating that the

1 information and credit scoring model may be different than
2 the credit score that may be used by the lender. However, if
3 the consumer requests the credit file and not the credit
4 score, then the consumer shall receive the credit file and a
5 statement that he or she may request and obtain a credit
6 score.

7 (1) The consumer's current credit score or the
8 consumer's most recent credit score that was previously
9 calculated by the credit reporting agency for a purpose
10 related to the extension of credit.

11 (2) The range of possible credit scores under the
12 model used.

13 (3) All the key factors that adversely affected the
14 consumer's credit score in the model used, the total
15 number of which shall not exceed 4.

16 (4) The date the credit score was created.

17 (5) The name of the person or entity that provided
18 the credit score or credit file upon which the credit
19 score was created.

20 (b) For purposes of this Act, "credit score" means a
21 numerical value or a categorization derived from a
22 statistical tool or modeling system used by a person who
23 makes or arranges a loan to predict the likelihood of certain
24 credit behaviors, including default. The numerical value or
25 the categorization derived from this analysis may also be
26 referred to as a "risk predictor" or "risk score".

27 "Credit score" does not include any mortgage score or
28 rating of an automated underwriting system that considers one
29 or more factors in addition to credit information, including,
30 but not limited to, the loan to value ratio, the amount of
31 down payment, or a consumer's financial assets.

32 "Credit score" does not include other elements of the
33 underwriting process or underwriting decision.

34 (c) For the purposes of this Section, "key factors"

1 means all relevant elements or reasons adversely affecting
2 the credit score for the particular individual listed in the
3 order of their importance based on their effect on the credit
4 score.

5 (d) The information required by this Section shall be
6 provided in the same timeframe and manner as the information
7 described in Section 50.

8 (e) This Section shall not be construed to compel a
9 consumer reporting agency to develop or disclose a score if
10 the agency does not (1) distribute scores that are used in
11 connection with residential real property loans, or (2)
12 develop scores that assist credit providers in understanding
13 a consumer's general credit behavior and predicting his or
14 her future credit behavior.

15 (f) This Section shall not be construed to require a
16 consumer credit reporting agency that distributes credit
17 scores developed by another person or entity to provide a
18 further explanation of them, or to process a dispute arising
19 pursuant to subsection (a) of Section 65, except that the
20 consumer credit reporting agency shall provide the consumer
21 with the name and address and website for contacting the
22 person or entity who developed the score or developed the
23 methodology of the score. This subsection does not apply to
24 a consumer credit reporting agency that develops or modifies
25 scores that are developed by another person or entity.

26 (g) This Section shall not be construed to require a
27 consumer reporting agency to maintain credit scores in its
28 files.

29 Section 60. Manner of compliance with Section 55.

30 (a) In complying with Section 55, a consumer credit
31 reporting agency shall supply the consumer with a credit
32 score that is derived from a credit scoring model that is
33 widely distributed to users by that consumer credit reporting

1 agency in connection with residential real property loans or
2 with a credit score that assists the consumer in
3 understanding the credit scoring assessment of his or her
4 credit behavior and predictions about his or her future
5 credit behavior, and a statement indicating that the
6 information and credit scoring model may be different than
7 that used by the lender.

8 (b) A consumer credit reporting agency may charge a
9 reasonable fee for providing the information required under
10 Section 55.

11 Section 65. Accuracy of information; disputes.

12 (a) If the completeness or accuracy of any item of
13 information contained in his or her file is disputed by a
14 consumer and the dispute is conveyed directly to the consumer
15 credit reporting agency by the consumer or user on behalf of
16 the consumer, the consumer credit reporting agency shall,
17 within a reasonable period of time and without charge,
18 reinvestigate and record the current status of the disputed
19 information before the end of the 30-business-day period
20 beginning on the date the agency receives notice of the
21 dispute from the consumer or user, unless the consumer credit
22 reporting agency has reasonable grounds to believe and
23 determines that the dispute by the consumer is frivolous or
24 irrelevant, including by reason of a failure of the consumer
25 to provide sufficient information, as requested by the
26 consumer credit reporting agency, to investigate the dispute.
27 Unless the consumer credit reporting agency determines that
28 the dispute is frivolous or irrelevant, before the end of the
29 5-business-day period beginning on the date the consumer
30 credit reporting agency receives notice of dispute under this
31 Section, the agency shall notify any person who provided
32 information in dispute at the address and in the manner
33 specified by the person. A consumer credit reporting agency

1 may require that disputes by consumers be in writing.

2 (b) In conducting that reinvestigation the consumer
3 credit reporting agency shall review and consider all
4 relevant information submitted by the consumer with respect
5 to the disputed item of information. If the consumer credit
6 reporting agency determines that the dispute is frivolous or
7 irrelevant, it shall notify the consumer by mail or, if
8 authorized by the consumer for that purpose, by any other
9 means available to the consumer credit reporting agency,
10 within 5 business days after that determination is made that
11 it is terminating its reinvestigation of the item of
12 information. In this notification, the consumer credit
13 reporting agency shall state the specific reasons why it has
14 determined that the consumer's dispute is frivolous or
15 irrelevant. If the disputed item of information is found to
16 be inaccurate, missing, or can no longer be verified by the
17 evidence submitted, the consumer credit reporting agency
18 shall promptly add, correct, or delete that information from
19 the consumer's file.

20 (c) No information may be reinserted in a consumer's
21 file after having been deleted pursuant to this Section
22 unless the person who furnished the information certifies
23 that the information is accurate.

24 If any information deleted from a consumer's file is
25 reinserted in the file, the consumer credit reporting agency
26 shall promptly notify the consumer of the reinsertion in
27 writing or, if authorized by the consumer for that purpose,
28 by any other means available to the consumer credit reporting
29 agency. As part of, or in addition to, this notice the
30 consumer credit reporting agency shall, within 5 business
31 days of reinserting the information, provide the consumer in
32 writing (1) a statement that the disputed information has
33 been reinserted, (2) a notice that the agency will provide to
34 the consumer, within 15 days following a request, the name,

1 address, and telephone number of any furnisher of information
2 contacted or that contacted the consumer credit reporting
3 agency in connection with the reinsertion, (3) the toll-free
4 telephone number of the consumer credit reporting agency that
5 the consumer can use to obtain this name, address, and
6 telephone number, and (4) a notice that the consumer has the
7 right to a reinvestigation of the information reinserted by
8 the consumer credit reporting agency and to add a statement
9 to his or her file disputing the accuracy or completeness of
10 the information.

11 (d) A consumer credit reporting agency shall provide
12 written notice to the consumer of the results of any
13 reinvestigation under this subsection, within 5 days of
14 completion of the reinvestigation. The notice shall include
15 (1) a statement that the reinvestigation is completed, (2) a
16 consumer credit report that is based on the consumer's file
17 as that file is revised as a result of the reinvestigation,
18 (3) a description or indication of any changes made in the
19 consumer credit report as a result of those revisions to the
20 consumer's file and a description of any changes made or
21 sought by the consumer that were not made and an explanation
22 why they were not made, (4) a notice that, if requested by
23 the consumer, a description of the procedure used to
24 determine the accuracy and completeness of the information
25 shall be provided to the consumer by the consumer credit
26 reporting agency, including the name, business address, and
27 telephone number of any furnisher of information contacted in
28 connection with that information, (5) a notice that the
29 consumer has the right to add a statement to the consumer's
30 file disputing the accuracy or completeness of the
31 information, (6) a notice that the consumer has the right to
32 request that the consumer credit reporting agency furnish
33 notifications under subsection (h), (7) a notice that the
34 dispute will remain on file with the agency as long as the

1 credit information is used, and (8) a statement about the
2 details of the dispute will be furnished to any recipient as
3 long as the credit information is retained in the agency's
4 data base. A consumer credit reporting agency shall provide
5 the notice pursuant to this subsection respecting the
6 procedure used to determine the accuracy and completeness of
7 information, not later than 15 days after receiving a request
8 from the consumer.

9 (e) The presence of information in the consumer's file
10 that contradicts the contention of the consumer shall not, in
11 and of itself, constitute reasonable grounds for believing
12 the dispute is frivolous or irrelevant.

13 (f) If the consumer credit reporting agency determines
14 that the dispute is frivolous or irrelevant, or if the
15 reinvestigation does not resolve the dispute, or if the
16 information is reinserted into the consumer's file pursuant
17 to subsection (c), the consumer may file a brief statement
18 setting forth the nature of the dispute. The consumer credit
19 reporting agency may limit these statements to not more than
20 100 words if it provides the consumer with assistance in
21 writing a clear summary of the dispute.

22 (g) Whenever a statement of dispute is filed, the
23 consumer credit reporting agency shall, in any subsequent
24 consumer credit report containing the information in
25 question, clearly note that the information is disputed by
26 the consumer and shall include in the report either the
27 consumer's statement or a clear and accurate summary thereof.

28 (h) Following the deletion of information from a
29 consumer's file pursuant to this Section, or following the
30 filing of a statement of dispute pursuant to subsection (f),
31 the consumer credit reporting agency, at the request of the
32 consumer, shall furnish notification that the item of
33 information has been deleted or that the item of information
34 is disputed. In the case of disputed information, the

1 notification shall include the statement or summary of the
2 dispute filed pursuant to subsection (f). This notification
3 shall be furnished to any person designated by the consumer
4 who has, within 2 years prior to the deletion or the filing
5 of the dispute, received a consumer credit report concerning
6 the consumer for employment purposes, or who has, within 12
7 months of the deletion or the filing of the dispute, received
8 a consumer credit report concerning the consumer for any
9 other purpose, if these consumer credit reports contained the
10 deleted or disputed information. The consumer credit
11 reporting agency shall clearly and conspicuously disclose to
12 the consumer his or her rights to make a request for this
13 notification. The disclosure shall be made at or prior to
14 the time the information is deleted pursuant to this Section
15 or the consumer's statement regarding the disputed
16 information is received pursuant to subsection (f).

17 (i) A consumer credit reporting agency shall maintain
18 reasonable procedures to prevent the reappearance in a
19 consumer's file and in consumer credit reports of information
20 that has been deleted pursuant to this Section and not
21 reinserted pursuant to subsection (c).

22 (j) If the consumer's dispute is resolved by deletion of
23 the disputed information within 3 business days, beginning
24 with the day the consumer credit reporting agency receives
25 notice of the dispute in accordance with subsection (a), and
26 provided that verification thereof is provided to the
27 consumer in writing within 5 business days following the
28 deletion, then the consumer credit reporting agency shall be
29 exempt from requirements for further action under subsections
30 (d), (f), and (g).

31 (k) Any provision in a contract that prohibits the
32 disclosure of a credit score by a person who makes or
33 arranges loans or a consumer credit reporting agency is void.
34 A lender shall not have liability under any contractual

1 provision for disclosure of a credit score.

2 Section 70. Fees.

3 (a) Except as otherwise provided, a consumer credit
4 reporting agency may impose a reasonable charge upon a
5 consumer, as follows:

6 (1) For making a disclosure pursuant to Section 25
7 or 50, the consumer credit reporting agency may charge a
8 fee not exceeding \$8.

9 (2) For furnishing a notification, statement, or
10 summary, to any person pursuant to subsection (h) of
11 Section 65, the consumer credit reporting agency may
12 charge a fee not exceeding the charge that it would
13 impose on each designated recipient for a consumer credit
14 report, and the amount of the charge shall be indicated
15 to the consumer before furnishing the notification,
16 statement, or summary.

17 (b) A consumer credit reporting agency shall make all
18 disclosures pursuant to Sections 25 and 50 and furnish all
19 consumer reports pursuant to Section 65 without charge, if
20 requested by the consumer within 60 days after receipt by the
21 consumer of a notification of adverse action pursuant to
22 Section 90 or of a notification from a debt collection agency
23 affiliated with the consumer credit reporting agency stating
24 that the consumer's credit rating may be or has been
25 adversely affected.

26 (c) A consumer credit reporting agency shall not impose
27 any charge for (1) providing notice to a consumer required
28 under Section 65 or (2) notifying a person pursuant to
29 subsection (h) of Section 65 of the deletion of any
30 information which is found to be inaccurate or which can no
31 longer be verified, if the consumer designates that person to
32 the consumer credit reporting agency before the end of the
33 30-day period beginning on that date of notice under

1 subsection (d) of Section 65.

2 Section 75. Disclosure of sources.

3 (a) A consumer credit reporting agency that compiles and
4 reports items of information concerning consumers which are
5 matters of public record shall specify in any report
6 containing public record information the source from which
7 that information was obtained, including the particular
8 court, if there be such, and the date that the information
9 was initially reported or publicized.

10 (b) A consumer credit reporting agency that furnishes a
11 consumer credit report for employment purposes, and which for
12 that purpose compiles and reports items of information on
13 consumers which are matters of public record and are likely
14 to have an adverse effect upon a consumer's ability to obtain
15 employment shall, in addition, maintain strict procedures
16 designed to ensure that, whenever public record information
17 that is likely to have an adverse effect on a consumer's
18 ability to obtain employment is reported, it is complete and
19 up to date. For purposes of this subsection, items of public
20 record relating to arrests, indictments, convictions, suits,
21 tax liens, and outstanding judgments shall be considered up
22 to date if the current public record status of the item at
23 the time of the report is reported.

24 (c) No consumer credit reporting agency that furnishes a
25 consumer credit report for employment purposes shall report
26 information on the age, marital status, race, color, or creed
27 of any consumer.

28 Section 80. Civil remedies.

29 (a) In addition to any other remedy provided by law, a
30 consumer may bring an action for a civil penalty, not to
31 exceed \$2,500, against any of the following:

32 (1) A person who knowingly and willfully obtains

1 access to a file other than as provided in Section 30.

2 (2) A person who knowingly and willfully obtains
3 data from a file other than as provided in Section 30.

4 (3) A person who uses the data received from a file
5 in a manner contrary to an agreement with the consumer
6 credit reporting agency.

7 The action may also be brought by the person or entity
8 responsible for the file accessed. This remedy is in
9 addition to any other remedy that may exist.

10 (b) If a plaintiff prevails in an action under
11 subsection (a) he or she shall be awarded the civil penalty,
12 costs, and reasonable attorney fees.

13 Section 85. Prevention of disclosure of information for
14 marketing purposes. A consumer credit reporting agency, upon
15 written request and the furnishing of sufficient
16 identification to identify the consumer and the subject file,
17 shall create reasonable procedures to prevent a consumer
18 credit report or information from a consumer's file from
19 being provided to any third party for marketing purposes or
20 for any offer of credit not requested by the consumer. This
21 Section does not apply to the use of information by a credit
22 grantor for purposes related to an existing credit
23 relationship.

24 Section 90. Action against consumer; disclosure
25 required.

26 (a) If a person takes any adverse action with respect to
27 any consumer, and the adverse action is based, in whole or in
28 part, on any information contained in a consumer credit
29 report, that person shall do all of the following:

30 (1) Provide written notice of the adverse action to
31 the consumer.

32 (2) Provide the consumer with the name, address,

1 and telephone number of the consumer credit reporting
2 agency that furnished the report to the person.

3 (3) Provide a statement that the credit grantor's
4 decision to take adverse action was based in whole or in
5 part upon information contained in a consumer credit
6 report.

7 (4) Provide the consumer with a written notice of
8 the following rights of the consumer:

9 (A) The right of the consumer to obtain within
10 60 days a free copy of the consumer's consumer
11 credit report from the consumer credit reporting
12 agency identified pursuant to paragraph (2) and from
13 any other consumer credit reporting agency that
14 compiles and maintains files on consumers on a
15 nationwide basis.

16 (B) The right of the consumer under Section 65
17 to dispute the accuracy or completeness of any
18 information in a consumer credit report furnished by
19 the consumer credit reporting agency.

20 (b) Whenever credit or insurance for personal, family,
21 or household purposes involving a consumer is denied or the
22 charge for that credit is increased either wholly or in part
23 because of information obtained from a person other than a
24 consumer credit reporting agency bearing upon consumer's
25 credit worthiness or credit standing, the user of that
26 information shall, within a reasonable period of time, and
27 upon the consumer's written request for the reasons for that
28 adverse action received within 60 days after learning of the
29 adverse action, disclose the nature and substance of the
30 information to the consumer. The user of the information
31 shall clearly and accurately disclose to the consumer his or
32 her right to make such a written request at the time the
33 adverse action is communicated to the consumer.

34 (c) No person shall be held liable for any violation of

1 this Section if he or she shows by a preponderance of the
2 evidence that at the time of the alleged violation he or she
3 maintained reasonable procedures to assure compliance with
4 this Section.

5 Section 95. Disclosures in connection with unsolicited
6 firm offers of credit.

7 (a) Except as provided in subsection (b), a person who
8 uses a consumer credit report in connection with any credit
9 transaction not initiated by the consumer and that consists
10 of a firm offer of credit shall provide with any solicitation
11 made to the consumer a clear and conspicuous statement as to
12 all of the following:

13 (1) Information contained in the consumer's
14 prequalifying report was used in connection with the
15 transaction.

16 (2) The consumer received the offer of credit
17 because the consumer satisfied the criteria for
18 creditworthiness under which the consumer was selected
19 for the offer.

20 (3) Where applicable, the credit may not be
21 extended if, after the consumer responds to the offer,
22 the consumer does not meet the criteria used to select
23 the consumer for the offer.

24 (4) The consumer has a right to prohibit use of
25 information contained in the consumer's file with any
26 consumer credit reporting agency in connection with any
27 credit transaction that is not initiated by the consumer.
28 The consumer may exercise this right by notifying the
29 notification system or joint notification system
30 established under subsection (d) or (e) of Section 30.

31 (b) Subsection (a) does not apply to any person using a
32 prequalifying report if all of the following conditions are
33 met:

1 (1) The person using the prequalifying report is
2 affiliated by common ownership or common corporate
3 control with the person who procured the report.

4 (2) The person who procures the prequalifying
5 report from the consumer credit reporting agency clearly
6 and conspicuously discloses to the consumer to whom the
7 report relates, before the prequalifying report is
8 provided to the person who uses the report, that the
9 prequalifying report might be provided to, and used by,
10 persons affiliated in the manner specified in paragraph
11 (1) with the person that procured the report.

12 (3) The consumer consents in writing to this
13 provision and use of the prequalifying report.

14 (c) A person may not be denied credit on the basis of
15 the consumer's refusal to provide consent pursuant to
16 paragraph (3) of subsection (b), unless that consent is
17 necessary for the extension of credit, related to that
18 transaction, by an affiliate.

19 Section 100. Use of credit scores in connection with
20 loans.

21 (a) A person who makes or arranges loans and who uses a
22 consumer credit score as defined in Section 55 in connection
23 with an application initiated or sought by a consumer for a
24 closed end loan or establishment of an open end loan for a
25 consumer purpose that is secured by one to 4 units of
26 residential real property shall provide to the consumer as
27 soon as reasonably practicable a copy of the information
28 identified in subsection (a) of Section 55 that was obtained
29 from a credit reporting agency or was developed and used by
30 the user of the information. In addition to the information
31 provided to it by a third party that provided the credit
32 score or scores, a lender is only required to provide the
33 notice contained in subsection (d).

1 (b) If a person who is subject to this Section uses an
2 automated underwriting system to underwrite a loan, that
3 person may satisfy the obligation to provide a credit score
4 by disclosing a credit score and associated key factors
5 supplied by a consumer credit reporting agency. However, if
6 a numerical credit score is generated by an automated
7 underwriting system used by an enterprise, and that score is
8 disclosed to the person, it shall be disclosed to the
9 consumer consistent with subsection (c). For purposes of
10 this subsection, the term "enterprise" shall have the meaning
11 provided in paragraph (6) of Section 4502 of Title 12 of the
12 United States Code.

13 (c) A person subject to the provisions of this Section
14 who uses a credit score other than a credit score provided by
15 a consumer reporting agency may satisfy the obligation to
16 provide a credit score by disclosing a credit score and
17 associated key factors supplied by a consumer credit
18 reporting agency.

19 (d) A copy of the following notice shall include the
20 name, address, and telephone number of each credit bureau
21 providing a credit score that was used:

22 "NOTICE TO THE HOME LOAN APPLICANT"

23 In connection with your application for a home loan, the
24 lender must disclose to you the score that a credit bureau
25 distributed to users and the lender used in connection with
26 your home loan, and the key factors affecting your credit
27 scores.

28 The credit score is a computer generated summary
29 calculated at the time of the request and based on
30 information a credit bureau or lender has on file. The
31 scores are based on data about your credit history and
32 payment patterns. Credit scores are important because they
33 are used to assist the lender in determining whether you will
34 obtain a loan. They may also be used to determine what

1 interest rate you may be offered on the mortgage. Credit
2 scores can change over time, depending on your conduct, how
3 your credit history and payment patterns change, and how
4 credit scoring technologies change.

5 Because the score is based on information in your credit
6 history, it is very important that you review the
7 credit-related information that is being furnished to make
8 sure it is accurate. Credit records may vary from one
9 company to another.

10 If you have questions about your credit score or the
11 credit information that is furnished to you, contact the
12 credit bureau at the address and telephone number provided
13 with this notice, or contact the lender, if the lender
14 developed or generated the credit score. The credit bureau
15 plays no part in the decision to take any action on the loan
16 application and is unable to provide you with specific
17 reasons for the decision on a loan application.

18 If you have questions concerning the terms of the loan,
19 contact the lender.".

20 (e) This Section does not require any person to do the
21 following:

22 (1) explain the information provided pursuant to
23 Section 55;

24 (2) disclose any information other than a credit
25 score or key factor, as defined in Section 55;

26 (3) disclose any credit score or related
27 information obtained by the user after a loan has closed;

28 (4) provide more than one disclosure per loan
29 transaction; or

30 (5) provide the disclosure required by this Section
31 when another person has made the disclosure to the
32 consumer for that loan transaction.

33 (f) Any person's obligation pursuant to this Section
34 shall be limited solely to providing a copy of the

1 information that was received from the consumer credit
2 reporting agency. No person has liability under this Section
3 for the content of that information or for the omission of
4 any information within the report provided by the consumer
5 credit reporting agency.

6 (g) As used in this Section, the term "person" does not
7 include an "enterprise" as defined in paragraph (6) of
8 Section 4502 of Title 12 of the United States Code.

9 Section 105. Use of credit report for employment
10 purposes; notice.

11 (a) Prior to requesting a consumer credit report for
12 employment purposes, the user of the report shall provide
13 written notice to the person involved. The notice shall
14 inform the person that a report will be used and the source
15 of the report, and shall contain a box that the person may
16 check off to receive a copy of the credit report. If the
17 consumer indicates that he or she wishes to receive a copy of
18 the report, the user shall request that a copy be provided to
19 the person when the user requests its copy from the credit
20 reporting agency. The report to the user and to the subject
21 person shall be provided contemporaneously and at no charge
22 to the subject person.

23 (b) Whenever employment involving a consumer is denied
24 either wholly or partly because of information contained in a
25 consumer credit report from a consumer credit reporting
26 agency, the user of the consumer credit report shall so
27 advise the consumer against whom the adverse action has been
28 taken and supply the name and address or addresses of the
29 consumer credit reporting agency making the report. No person
30 shall be held liable for any violation of this Section if he
31 or she shows by a preponderance of the evidence that, at the
32 time of the alleged violation, he or she maintained
33 reasonable procedures to assure compliance with this Section.

1 Section 110. Use of credit reporting agency; disclosure.

2 (a) A user in its discretion may notify the consumer
3 that upon request the user may contact the consumer credit
4 reporting agency and request that the consumer credit
5 reporting agency investigate the current status of an item or
6 items of information contained in the consumer report if the
7 consumer disputes the completeness or accuracy of an item or
8 items of information as provided to the user.

9 (b) The consumer credit reporting agency may require
10 identification from the user to insure the validity of the
11 request and, in that regard, may require that the request be
12 put in writing with proper identification.

13 (c) In the event that any such request is made and
14 identification given in the form or manner demanded by the
15 consumer credit reporting agency, such agency shall review
16 the file of the consumer and report the current status of the
17 disputed information to the user and the consumer by the most
18 expeditious means possible.

19 (d) A user who furnishes information pursuant to this
20 Section shall not be liable to any person for furnishing the
21 information.

22 Section 115. Resale of information in credit reports.

23 (a) A person may not procure a consumer credit report
24 for the purpose of reselling the report or any information
25 therein unless the person discloses to the consumer credit
26 reporting agency which issues the report the identity of the
27 ultimate end user and each permissible purpose for which the
28 report is furnished to the end user of the consumer credit
29 report or information therein.

30 (b) A person that procures a consumer credit report for
31 the purpose of reselling the report or any information
32 therein shall do all of the following:

33 (1) Establish and comply with reasonable procedures

1 designed to ensure that the consumer credit report or
2 information is resold by the person only for a purpose
3 for which the report may be furnished under this Act.

4 These procedures shall include all of the following:

5 (A) Identification of each prospective user of
6 the resold consumer credit report or information.

7 (B) Certification of each purpose for which
8 the consumer credit report or information will be
9 used.

10 (C) Certification that the consumer credit
11 report or information will be used for no other
12 purpose.

13 (2) Before reselling the consumer credit report or
14 information, the person shall make reasonable efforts to
15 verify the identities and certifications made under
16 paragraph (1).

17 Section 120. Inaccurate information.

18 (a) A person shall not furnish information on a specific
19 transaction or experience to any consumer credit reporting
20 agency if the person knows or should know the information is
21 incomplete or inaccurate.

22 (b) A person who (1) in the ordinary course of business
23 regularly and on a routine basis furnishes information to one
24 or more consumer credit reporting agencies about the person's
25 own transactions or experiences with one or more consumers
26 and (2) determines that information on a specific transaction
27 or experience so provided to a consumer credit reporting
28 agency is not complete or accurate, shall promptly notify the
29 consumer credit reporting agency of that determination and
30 provide to the consumer credit reporting agency any
31 corrections to that information, or any additional
32 information, that is necessary to make the information
33 provided by the person to the consumer credit reporting

1 agency complete and accurate.

2 (c) So long as the completeness or accuracy of any
3 information on a specific transaction or experience furnished
4 by any person to a consumer credit reporting agency is
5 subject to a continuing dispute between the affected consumer
6 and that person, the person may not furnish the information
7 to any consumer credit reporting agency without also
8 including a notice that the information is disputed by the
9 consumer.

10 (d) A person who regularly furnishes information to a
11 consumer credit reporting agency regarding a consumer who has
12 an open-end credit account with that person, and which is
13 closed by the consumer, shall notify the consumer credit
14 reporting agency of the closure of that account by the
15 consumer, in the information regularly furnished for the
16 period in which the account is closed.

17 (e) A person who places a delinquent account for
18 collection (internally or by referral to a third party),
19 charges the delinquent account to profit or loss, or takes
20 similar action, and subsequently furnishes information to a
21 credit reporting agency regarding that action, shall include
22 within the information furnished the approximate commencement
23 date of the delinquency which gave rise to that action,
24 unless that date was previously reported to the credit
25 reporting agency. Nothing in this provision shall require
26 that a delinquency must be reported to a credit reporting
27 agency.

28 (f) Upon receiving notice of a dispute noticed pursuant
29 to subsection (a) of Section 65 with regard to the
30 completeness or accuracy of any information provided to a
31 consumer credit reporting agency, the person that provided
32 the information shall (1) complete an investigation with
33 respect to the disputed information and report to the
34 consumer credit reporting agency the results of that

1 investigation before the end of the 30-business-day period
2 beginning on the date the consumer credit reporting agency
3 receives the notice of dispute from the consumer in
4 accordance with subsection (a) of Section 65 and (2) review
5 relevant information submitted to it.

6 (g) A person who furnishes information to a consumer
7 credit reporting agency is liable for failure to comply with
8 this Section, unless the furnisher establishes by a
9 preponderance of the evidence that, at the time of the
10 failure to comply with this Section, the furnisher maintained
11 reasonable procedures to comply with those provisions.

12 Section 125. Submission of negative credit information.

13 (a) As used in this Section:

14 (1) "Creditor" includes an agent or assignee of a
15 creditor, including an agent engaged in administering or
16 collecting the creditor's accounts.

17 (2) "Negative credit information" means information
18 concerning the credit history of a consumer that, because
19 of the consumer's past delinquencies, late or irregular
20 payment history, insolvency, or any form of default,
21 would reasonably be expected to affect adversely the
22 consumer's ability to obtain or maintain credit.
23 "Negative credit information" does not include
24 information or credit histories arising from a
25 nonconsumer transaction or any other credit transaction
26 outside the scope of this Act, nor does it include
27 inquiries about a consumer's credit record.

28 (b) A creditor may submit negative credit information
29 concerning a consumer to a consumer credit reporting agency,
30 only if the creditor notifies the consumer affected. After
31 providing this notice, a creditor may submit additional
32 information to a credit reporting agency respecting the same
33 transaction or extension of credit that gave rise to the

1 original negative credit information without providing
2 additional notice.

3 (c) The notice shall be in writing and shall be
4 delivered in person or mailed first class, postage prepaid,
5 to the party's last known address, prior to or within 30 days
6 after the transmission of the negative credit information.

7 (1) The notice may be part of any notice of
8 default, billing statement, or other correspondence, and
9 may be included as preprinted or standard form language
10 in any of these from the creditor to the consumer.

11 (2) The notice is sufficient if it is in
12 substantially the following form:

13 "As required by law, you are hereby notified that a
14 negative credit report reflecting on your credit record may
15 be submitted to a credit reporting agency if you fail to
16 fulfill the terms of your credit obligations.".

17 (3) The notice may, in the creditor's discretion,
18 be more specific than the form given in paragraph (2).
19 The notice may include, but shall not be limited to,
20 particular information regarding an account or
21 information respecting the approximate date on which the
22 creditor submitted or intends to submit a negative credit
23 report.

24 (4) The giving of notice by a creditor as provided
25 in this subsection does not create any requirement for
26 the creditor to actually submit negative credit
27 information to a consumer credit reporting agency.
28 However, this Section shall not be construed to authorize
29 the use of notice as provided in this subsection in
30 violation of the federal Fair Debt Collection Practices
31 Act (15 U.S.C., Sec. 1592 et seq.).

32 (d) A creditor is liable for failure to provide notice
33 pursuant to this Section, unless the creditor establishes, by
34 a preponderance of the evidence, that at the time of that

1 failure to give notice the creditor maintained reasonable
2 procedures to comply with this Section.

3 Section 130. Requests to correct information. Upon
4 notification of the results of a consumer credit reporting
5 agency's reinvestigation pursuant to Section 65, a consumer
6 may make a written demand on any person furnishing
7 information to the consumer credit reporting agency to
8 correct any information which the consumer believes to be
9 inaccurate. The person upon whom the written demand is made
10 shall acknowledge the demand within 30 days. The consumer
11 may require the consumer credit reporting agency to indicate
12 on any subsequent reports issued during the dispute that the
13 item or items of information are in dispute. If upon
14 investigation the information is found to be inaccurate or
15 incorrect, the consumer may require the consumer credit
16 reporting agency to delete or correct the item or items of
17 information within a reasonable time. If within 90 days the
18 consumer credit reporting agency does not receive any
19 information from the person requested to furnish the same or
20 any communication relative to this information from this
21 person, the consumer credit reporting agency shall delete the
22 information from the report.

23 Section 135. Damages.

24 (a) A consumer who suffers damages as a result of a
25 violation of this Act by any person may bring an action in a
26 court of appropriate jurisdiction against that person to
27 recover the following:

28 (1) In the case of a negligent violation, actual
29 damages, including court costs, loss of wages, attorney's
30 fees and, when applicable, pain and suffering.

31 (2) In the case of a willful violation:

32 (A) actual damages as set forth in paragraph

1 (1);

2 (B) punitive damages of not less than \$100 nor
3 more than \$5,000 for each violation as the court
4 deems proper; and

5 (C) any other relief that the court deems
6 proper.

7 (3) In the case of liability of a natural person
8 for obtaining a consumer credit report under false
9 pretenses or knowingly without a permissible purpose, an
10 award of actual damages pursuant to paragraph (1) or
11 subparagraph (A) of paragraph (2) shall be in an amount
12 of not less than \$2,500.

13 (b) Injunctive relief shall be available to any consumer
14 aggrieved by a violation or a threatened violation of this
15 Act whether or not the consumer seeks any other remedy under
16 this Section.

17 (c) Notwithstanding any other provision of this Section,
18 any person who willfully violates any requirement imposed
19 under this Act may be liable for punitive damages in the case
20 of a class action, in an amount that the court may allow. In
21 determining the amount of award in any class action, the
22 court shall consider among relevant factors the amount of any
23 actual damages awarded, the frequency of the violations, the
24 resources of the violator and the number of persons adversely
25 affected.

26 (d) Except as provided in subsection (e), the prevailing
27 plaintiffs in any action commenced under this Section shall
28 be entitled to recover court costs and reasonable attorney's
29 fees.

30 (e) If a plaintiff brings an action pursuant to this
31 Section against a debt collector and the basis for the action
32 is related to the collection of a debt, whether issues
33 relating to the debt collection are raised in the same or
34 another proceeding, the debt collector shall be entitled to

1 recover reasonable attorney's fees upon a finding by the
2 court that the action was not brought in good faith.

3 Section 140. Limitation of defamation actions. Except
4 as provided in Section 135, a consumer may not bring any
5 action or proceeding in the nature of defamation, invasion of
6 privacy, or negligence with respect to the reporting of
7 information against a consumer credit reporting agency, a
8 user of information, or a person who furnishes information to
9 a consumer credit reporting agency, based on information
10 disclosed pursuant to Section 25, 50, or 90 of this Act,
11 except as to false information furnished with malice or
12 willful intent to injure the consumer.

13 Section 145. Time within which actions must be filed.
14 An action to enforce any liability created under this Act may
15 be brought in any appropriate court of competent jurisdiction
16 within 2 years from the date the plaintiff knew of, or should
17 have known of, the violation of this Act, but not more than 7
18 years from the earliest date on which liability could have
19 arisen, except that where a defendant has materially and
20 willfully misrepresented any information required under this
21 Act to be disclosed to a consumer and the information so
22 misrepresented is material to the establishment of the
23 defendant's liability to the consumer under this Act, the
24 action may be brought at any time within 2 years after the
25 discovery by the consumer of the misrepresentation.

26 Section 150. Prohibition of duplicate actions.

27 (a) A consumer credit reporting agency or user of
28 information against whom an action brought pursuant to
29 Section 1681n or 1681o of Title 15 of the United States Code
30 is pending shall not be subject to suit for the same act or
31 omission under Section 135.

1 (b) The entry of a final judgment against a consumer
2 credit reporting agency or user of information in an action
3 brought pursuant to the provisions of Section 1681n or 1681o
4 of Title 15 of the United States Code shall be a bar to the
5 maintenance of any action based on the same act or omission
6 which might be brought under this Act.

7 Section 155. Inapplicability of Act. This Act does not
8 apply to a consumer credit report that by its terms is
9 limited to disclosures from public records relating to land
10 and land titles and does not apply to a person whose records
11 and files are maintained for the primary purpose of reporting
12 those portions of the public records that impart constructive
13 notice under the law of matters relating to land and land
14 titles.